

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

KAREL VAN DEN BERG

Serial No.: 10/718,706

Filed: November 24, 2003

For: A FEED METERING DEVICE

Group Art Unit: 3644

Examiner: Kimberly S. Smith

**SUBMISSION OF TERMINAL DISCLAIMER**

To the Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In view of the Official Action of January 19, 2005, and paragraph 5 on page 3 thereof, that Claims 27-38 would be allowed upon the timely filing of a Terminal Disclaimer in compliance with 37 CFR §1.321(c). A Terminal Disclaimer is, accordingly, submitted herewith.

In the event that an Extension of Time may be required to enter the attached Terminal Disclaimer, the Commissioner of Patents and Trademarks is authorized to debit our Account No. 13-2000 as appropriate.

Respectfully submitted,

MASON, MASON & ALBRIGHT

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Filed: April 13, 2005

# **TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

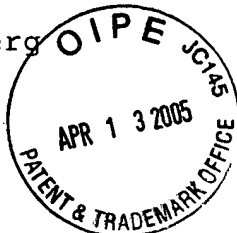
8553/212c

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The owner\*, Lely REsearch Holding, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,651,584. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Penrose Lucas Albright 04/13/05  
Signature Date

04/14/2005 BABRAHA1 00000053 132000 10718706  
01 FC 2814 65.00 DA

Penrose Lucas Albright  
Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.